

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

<b>JOHN KENNEDY,</b>  Plaintiff,  v.  <b>J.A. TERRIS, ET AL.,</b>  Defendants.	2:19-cv-10537  HON. TERRENCE G. BERG  <b>ORDER ADOPTING REPORT AND RECOMMENDATION</b>
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Plaintiff John Kennedy filed this 28 U.S.C. § 1983 prisoner civil rights action through counsel. Nine months after filing the Complaint, counsel filed a motion to withdraw from this matter, which was granted. Defendants Mario Bayoneto, Paul Harvey, and J.A. Terris subsequently filed a motion to dismiss, which the Court referred to Magistrate Judge Michael J. Hluchianuk, along with all other pretrial matters. Despite several warnings from the Court that failure to respond to Defendants' motion to dismiss could result in judgment in their favor, Plaintiff never filed any opposition brief. Accordingly, the Magistrate Judge issued a Report and Recommendation proposing that Plaintiff's Complaint be dismissed with prejudice for failure to prosecute under Rule 41(b) of the Federal Civil Rules of Civil Procedure. ECF No. 27 (R. & R.). Having received no objections to the Report and Recommendation, which was docketed on April 14, 2020, the Court will adopt the Report and Recommendation as its findings of fact and conclusions of law.

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of a report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* The district court is not obligated to independently review parts of the Report and Recommendation to which no objection is made. *See Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Having received no objections to the Report and Recommendation, the Court will adopt it.

For these reasons, Magistrate Judge Hluchianuk's Report and Recommendation of April 14, 2020 (ECF No. 27) is hereby **ADOPTED**. Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

**SO ORDERED.**

Dated: June 18, 2020

s/Terrence G. Berg

TERRENCE G. BERG

UNITED STATES DISTRICT JUDGE